

REMARKS

The final Official Action continues to reject Claims 1-4, 6-10 and 14-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Application No. 2002/0072937 to Sue Domenick, et al. in view of U.S. Patent No. 6,285,986 to Christopher C. Andrews, Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick '937 application and the Andrews '986 patent in view of Official Notice and Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over the combination of the Domenick '937 application and the Andrews '986 patent in further view of U.S. Patent No. 6,138,105 to Jay S. Walker, et al. In order to further patentably distinguish the claimed invention from the cited references, taken either individually or in combination, independent Claims 1 and 14 have been amended. In view of the following remarks, Applicants request reconsideration of the present application and allowance of the claims.

Amended independent Claim 1 recites a method for providing information on packages of items that includes: (i) receiving a request identifying an interest in a set of items, (ii) identifying potential providers that are each capable of providing items that may satisfy the identified interest in response to receiving the request, (iii) packaging multiple items from a plurality of different providers selected from the potential providers into a package of items in response to receiving the request, (iv) determining compensation for at least one selling agent based upon the package of items, and (v) providing information reflecting the package of items in response to the request. As highlighted by the amendment, independent Claim 1 further recites that the packaging of the multiple items from the plurality of providers is based upon preset financial arrangements with the respective potential providers. Thus, the method of Claim 1 can dynamically assemble packages based not only upon the request submitted by a potential customer, but also based upon financial arrangements that the supplier has with various potential providers, thereby allowing the supplier to assemble package(s) that satisfy the user's request, but that also make the most business sense to the supplier (such as by rendering the greatest profit) as dictated by the financial arrangements with the various potential providers.

The other independent claim, Claim 14, is directed to a system for providing information on packages of items and includes a package request processor, an item/provider database and a

compensation processor for generally performing comparable functions to those set forth by independent Claim 1. In this regard, Claim 14 also recites that the package request processor packages multiple items from a plurality of different providers based upon preset financial arrangements with the respective potential providers.

In response to a prior amendment of independent Claims 1 and 14 to recite that the packaging of the multiple items from the plurality of providers is based upon preset arrangements with the respective potential providers, the final Official Action confirms that the Domenick '937 application "does not disclose preset arrangements with the respective potential providers." See page 6 of the final Official Action. However, the final Official Action contends that the Andrews '986 patent does disclose this aspect of the claimed invention. In particular, the final Official Action states that "Andrews teaches vendors registering currently existing bundles (see at least col. 5, lines 40-45; col. 7, lines 32-64) and further teaches vendor registration as selective (please note examiner's interpretation: system exercising control over vendor registration - ie. vendor quality, product quality, appropriate products for site, etc.)." See page 6 of the final Official Action. Moreover, in the Response to Arguments section on page 2, the final Official Action states that "Andrews teaches vendors registering currently existing bundles which satisfies 'preset arrangements with the respective potential providers."

The Andrews '986 patent describes a method and system for bundling various products and services for one or more vendors into a bundle that is sold as a unit. As described, one or more vendors post information about their products and services. Bundle vendors then generate bundles of the products and services posted by the various vendors. Vendors may then view the various bundles and select and purchase one or more bundles. When a bundle is purchased by a member, the products or services within the bundle are shipped to the member either as a unit or separately from the participant vendor.

As noted by the Official Action, the Andrews '986 patent does disclose that vendors must be registered in order to access the system, such as to post products for inclusion in a bundle. In this regard, column 7, lines 47-49 of the Andrews '986 patent describes the registration information to include "name, address and types of products/services that the vendor carries or provides."

Notwithstanding the vendor registration process described by the Andrews '986 patent, neither the Andrews '986 patent nor any of the other cited references teach or suggest that the packaging of the multiple items from the plurality of providers is based upon preset financial arrangements with the respective potential providers, as recited by amended independent Claims 1 and 14. In this regard, it is instructive to note that the independent claims recite that the actual packaging of the items is based upon the preset financial arrangements with providers and not merely that there is some other sort of preset arrangement with a provider that does not impact the actual packaging of the items. As such, even if vendor registration were considered to be a preset arrangement with a provider as submitted by the Official Action, the packaging of the items is not based upon this vendor registration process as would be required by the independent claims. Instead, the Andrews '986 patent describes the packaging of the items to be performed by a bundle vendor in an effort to create a bundle that will be attractive to consumers. For example, the bundle vendor's creation of the bundle may be based on the bundle vendor's experience, intuition or personal preferences, but the Andrews '986 patent does not teach or suggest that the items that are packaged are based upon preset financial arrangements with the potential providers as set forth by the claimed invention.

The Walker '105 patent likewise fails to teach or suggest that the packaging of the multiple items from the plurality of providers is based not only upon the request from a potential customer, but also upon preset financial arrangements with the respective potential providers, as recited by independent Claims 1 and 14. Indeed, the final Official Action does not cite the Walker '105 patent for this proposition.

Since none of the cited references teach or suggest a method and system for providing information on packages of items in which the packaging of the multiple items from the plurality of providers is based upon preset financial arrangements with the respective potential providers as set forth by the independent claims, any combination of the cited references also fails to teach or suggest at least this same element of the claimed invention.

For at least the forgoing reasons, Applicants submit that independent Claims 1 and 14, as well as Claims 2-13 and 15-18 by dependency, are not taught or suggested by '847 provisional application (the disclosure of which serves as the only potential basis by which portions of the

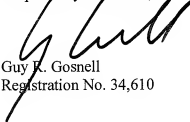
Domenick '937 application may be considered prior art), taken either individually or in combination with the Andrews '986 patent and the Walker '105 patent. As such, the rejections of the claims under 35 U.S.C. § 103(a) are therefore overcome.

CONCLUSION

In light of the foregoing remarks, Applicants submit that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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